

# CHAPTER I

## GENERAL GOVERNMENT

### 1.01 MEETINGS.

(1) **Regular Town Board Meetings.** Regular meetings of the Town Board of the Town of Osborn shall be held on the second Monday of each calendar month at 7:45 p.m.

(2) **Place of Meetings.** Meetings of the Town Board shall be held at the Town Hall or at such other place designated within the town.

(3) **Quorum.** Any two supervisors of the town, including the town chairperson, shall constitute a quorum, unless otherwise provided by law. The chairman may administer oaths and affidavits in all matters pertaining to the affairs of the town.

#### (4) **Order of Business at Regular Town Board Meetings**

The business of the Town Board shall be conducted in the following manner:

1. Call to order by presiding officer.
2. Roll call. If a quorum is not present, the meeting shall thereupon adjourn.
3. Reading, correction and approval of minutes of the previous meeting.
4. Treasurer's report, reading, correction and approval.
5. General fund vouching approval or disapproval.
6. Introduction of ordinances and resolutions.
7. Action on all business.
8. Introduction of new business.
9. Communications and miscellaneous questions from the floor.
10. Adjournment.

### 1.02 ANNUAL MEETING.

(1) **Date.** There shall be an annual town meeting of the Town of Osborn on the second Tuesday of April of each year at which all business shall be transacted which is by law required or permitted to be transacted by Wisconsin Statutes at such meeting. At the annual meeting, the electors may set the date of the next annual town meeting; however, this date shall be within ten (10) days after the second Tuesday in April and notice shall be given of the meeting under Section 60.12(3).

(2) **Time.** The hour for holding succeeding annual town meetings may be fixed at any such meeting.

(3) **Place.** Any annual or special town meeting may be held in the town or in any village or city within or adjoining the town.

(4) **Order of Business.** No reconsideration of any vote shall be had at any town annual or special meeting unless it be taken by a majority vote within one hour from the time such vote shall have been passed.

(5) **Presiding Officer.**

(a) If present, the town board chairperson shall chair the town meeting. If the town board chairperson is absent, another town board supervisor shall chair the town meeting. If no town board supervisor is present, the town meeting shall elect a chairperson of the meeting.

(b) If the annual town meeting is held in a year when the office of the town board chairperson is filled by election, the person holding the office on the date prior to the date of the election shall preside at the annual town meeting and is entitled to receive the per diem, which is always paid to the presiding officer. If such person is absent or refuses to serve as the presiding officer, the presiding officer shall be chosen under Par. (a).

(6) **Clerk of Meeting.** The Town Clerk shall serve as clerk of the town meeting. If absent, the Deputy Town Clerk shall so serve. If the Deputy Clerk is absent or if there is no Deputy Clerk, the town meeting chairperson shall appoint a clerk for the meeting.

### 1.03 **SPECIAL TOWN MEETINGS.**

(1) **Purpose.** Special town meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting.

(2) **How Called.** Special town meetings may be called by the electors at the regular annual meeting; the Town Board; or pursuant to a request being made to the Town Clerk in writing signed by a number of electors equal to not less than 10 percent of the votes cast in the town for governor at the last general election.

(3) **Notice.** The Town Clerk with whom the request is filed shall not more than twenty (20) days nor less than fifteen (15) days before the date of the meeting, publish a Class 2 notice under Wis Stats Chapter 985.

(4) **Contents of Notice.** The notice shall state the date, time, location and purpose of the meeting.

#### **1.04 ELECTED OFFICIALS.**

Biennially in odd-numbered years, at the annual spring election, there shall be elected the following officers: A Town Clerk, a Treasurer, and three (3) supervisors, one of whom shall be designated on the ballots as the chairperson. Only an elector of the town may hold any elected position with the town.

#### **1.05 ASSESSOR.**

The Town Board shall appoint the Town Assessor and set his/her salary.

#### **1.06 LEGAL ADVICE, OTHER HELP.**

The Town Board is empowered to procure legal advice when needed in the conduct of town affairs and employ counsel for that purpose; also such stenographic, clerical and expert help as may from time to time be necessary in the conduct of the affairs of the town and the promotion of the financial welfare; to enter into the necessary contracts for the performance of such services; and to determine the qualifications, including the residence of the persons so employed.

#### **1.07 BOARD OF REVIEW.**

The Board of Review of the Town of Osborn shall be composed of the supervisors and Clerk of the Town of Osborn. The Board of Review shall have the duties and powers prescribed by State Statute 70.46 and 70.47.

## **Ordinance to Establish Procedures and Criteria for Allowing Alternative Forms of Sworn Testimony at Board of Review (BOR) Hearings**

Whereas, sec. 70.47(8), Wis. Stat. authorizes the board of review to consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review;  
Now Therefore the Town of Osborn, Outagamie County does ordain as follows:

### **1. PROCEDURE:**

In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures: **a)** the legal requirement to provide notice of intent to appear at BOR must be satisfied;

and **b)** an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law.

After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the BOR.

### **2. CRITERIA TO BE CONSIDERED**

The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- a.** The requester's stated reason(s) for the request as indicated on the PA-814
- b.** Fairness to the parties
- c.** Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony
- d.** Ability to cross examine the person providing the testimony
- e.** The BOR's technical capacity to honor the request
- f.** Any other factors that the board deems pertinent to deciding the request

## **Relating to Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes**

The Town Board of the Town of Osborn, Outagamie County, does ordain as follows:

**1. Adoption.** This ordinance adopts by reference Wis. Statutes Sec. 70.47 (7)(af). Income and expense information provided by a property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35 (1) of Wis. Statutes.

**2. Exceptions.** An officer may make disclosure of such information under the following circumstances:

- a. The assessor has access to such information in the performance of his/her duties;
- b. The board of review may review such information when needed, in its opinion, to decide upon a contested assessment;
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- d. The officer is complying with a court order;
- e. The person providing the income and expense information has contested the assessment level at either the board of review or by filing a claim for excessive assessment under Sec. 74.37 , in which case the base records are open and public.

**3. Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

# ORDINANCE

The Town Board of the Town of Osborn ordains as follows:

SECTION I: Chapter I of the Code of Ordinances of the Town of Osborn is created to read as follows:

**WI Stat. Sec. 70.47(6m)(c) Authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases.**

**1.10 ADOPTION:** Pursuant to Section WI Stat. 70.47 (6m)(c) and Sec. 70.46 (1) the town board hereby provides for the appointments of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.

**1.11 APPOINTMENTS:** The following electors of the town of Osborn are hereby named as alternates in the order indicated to serve as alternate board of review members:

Alternate 1: Brian Maas

Alternate 2: Steve Keune

**1.12 EFFECTIVE DATE:** The appointments made in this ordinance are for the year 2014 Board of Review proceedings and succeeding years until such appointments are rescinded by action of the town board and effective upon posting as provided by law.

# **Town of Osborn Outagamie County, Wisconsin**

## **Ordinance Establishing a Plan Commission**

The Town Board of the Town of Osborn, Outagamie County, Wisconsin does ordain as follows:

### **Section 1. Title**

This ordinance is entitled the "Town of Osborn Plan Commission Ordinance."

### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Osborn Plan Commission and set forth its organization, powers, and duties, to further the health, safety, and welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement,

### **Section 3. Authority; Establishment**

The Town Board of the Town of Osborn, hereby establishes a five (5) member Plan Commission under sections. 61.35 and 62.23, Wis. Stats.

### **Section 4. Membership**

The Plan Commission consists of five (5) members consisting of Town elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

### **Section 5. Appointments**

The Town Chairman shall appoint the members of the first Plan Commission and designate a Plan Commission Chairperson no later than April 13, 2009. The Town Chairman may appoint himself or herself or another Town Board member to the Plan Commission, and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairman shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under sections. 19.01 and 61.21, Wis. Stats.

### **Section 6. Terms of Office**

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

- (1) Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (2) Town Board Member or Chairman. The Plan Commission member who is a Town Board Member or Town Chairman, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2) Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

### **Section 7. Vacancies**

A person who is appointed to fill a vacancy on the Plan Commission shall serve the remainder of the term.

### **Section 8. Experts & Staff**

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

### **Section 9. Rules; Records**

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under sections 19.21-19.39, Wis. Stats.

### **Section 10. Chairperson & Officers**

(1) **Chairperson.** The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (a) provide leadership to the Commission;
- (b) set Commission meeting and hearing dates;
- (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (d) preside at Commission meetings and hearings; and
- (e) ensure that the laws are followed.

(2) **Vice Chairperson.** The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) **Secretary.** The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

### **Section 11. General & Miscellaneous Powers**

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

- (1) Necessary to enable it to perform its functions and promote Town planning.
- (2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.



## **Section 12. Referrals to the Plan Commission**

(1) **Required referrals under sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - (i) street, or other public way;
  - (ii) park or playground;
  - (iv) area for parking vehicles; or
  - (v) other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- (f) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning.

(2) **Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats.** The following shall be referred to the Plan Commission for report:

- (a) The review or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (b) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) **Required referrals under this ordinance.** In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for recommendation:

- (a) A proposed driveway access ordinance or amendment.
- (b) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
- (c) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats.
- (d) An application for a special exception.
- (e) A proposed site plan.
- (f) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (g) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (h) A proposed county agricultural preservation plan or amendment, under subchapter. IV of chapter. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (i) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

- (a) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (b) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral Period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

**AN ORDINANCE ADOPTING THE  
TOWN OF OSBORN COMPREHENSIVE PLAN 2010-2030**

WHEREAS pursuant to the provisions of Section 66.23(2) and (3) of the Wisconsin Statutes, the Town of Osborn is authorized to prepare and adopt a Comprehensive Plan for the Town's vision of the future growth and development of the community as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS the Town Board of the Town of Osborn, Wisconsin, has previously adopted written procedures designed to foster public participation in every stage of the preparation of the comprehensive plan as required by Section 66.1001(4)(a) of the Wisconsin Statutes; and

WHEREAS the Town of Osborn, through its Plan Commission and through community participation, with the assistance of Martenson and Eisele, Inc., has, between March of 2009 and November of 2009, prepared, developed and drafted a proposed Comprehensive Plan for the Town of Osborn; and

WHEREAS the Town of Osborn Plan Commission has, by unanimous vote of the entire Plan Commission, as recorded in its official minutes, adopted a resolution recommending to the Town Board the adoption of the document entitled "Town of Osborn Comprehensive Plan 2010-2030", a copy of which document is on file in the Office of the Town Clerk and, containing all of the elements required under the provisions of Section 66.1001(2) of the Wisconsin Statutes; and

WHEREAS the Town Board held a public hearing to solicit further input on the proposed 2010-2030 Comprehensive Plan on November 18, 2009 as required under the provisions of Section 66.1001(4)(d) of the Wisconsin Statutes; and

WHEREAS the narrative and map changes were agreed to by the Town Board as a result of written and verbal comments raised at the public hearing and from comments made by the Department of Administration Grant Administrator.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF OSBORN, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: That the "Town of Osborn Comprehensive Plan 2010-2030" be, and the same hereby is, authorized, adopted and approved as the comprehensive plan of the Town of Osborn, Wisconsin, pursuant to the provisions of Section 66.1001(4)(c) of the Wisconsin Statutes and shall serve as the Comprehensive Plan of the Town of Osborn, Wisconsin, from the effective date of this Ordinance.

SECTION 2: That a true, correct and complete copy of the Comprehensive Plan shall be maintained in the Office of the Town Clerk of the Town of Osborn and shall be available for public inspection during all regular business hours of that office.

SECTION 3: That the appropriate officers and officials of the Town of Osborn be, and the same hereby are, authorized to take all such other and further action as they shall deem necessary or appropriate under and pursuant to the provisions of Section 66.1001 of the Wisconsin Statutes to implement and carry out the terms and provisions of the Comprehensive Plan for the effective growth and development of the Town of Osborn as envisioned under and pursuant to the Comprehensive Plan.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith be, and the same hereby are, repealed.